

REMARKS/ARGUMENTS

These Remarks are responsive to the Office Action mailed September 8, 2005 ("Office Action"). Applicants respectfully request reconsideration of the rejections of claims 1-11, 13-18 and 20 for at least the following reasons.

Rejections Under 35 U.S.C. § 112

Applicant respectfully traverses the new matter rejection under 112, first paragraph, because the previously added claim features "extra material, creating a loose-fitting forehand and backhand area," "a webbed, loose-fitting glove," and "cupping" the glove are clearly visible in the originally filed drawings. Nevertheless, in an effort to expedite prosecution, applicant has hereby further amended the claims to use the phrases appearing in the specification to eliminate any discussion of new matter.

Applicant's amendments are all supported by the disclosure as originally filed. The enlarged palm area and loose-fitting nature of the glove can be clearly seen in the drawings (for example in figure 1) and are described in the original specification, for example, on page 4, paragraph [0014]. Likewise, the mitt embodiment of new claim 20 is described at the top of page 3. In addition, the method of partially closing the glove and holding of the hair in the hand is shown in figure 3 and described on pages 5-6 of the specification. For at least these reasons, Applicant respectfully submits that no new matter has been added and requests that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

Rejections Under 35 U.S.C. §§ 102 and 103

Applicant respectfully traverses the rejections of the claims based upon the cited art (Ramm, Tsujino and Kuwahara). Each of the independent claims recite that the glove has an enlarged palm area. The prior art does not alone or in-combination disclose or suggest at least this feature. As clearly described in the CLAIMS, and supported by the specification, the enlarged palm portion renders a loose-fitting glove with fingers having a length that is small compared to the overall size of the glove.

None of the art of record, including Ramm, Kuwahara and Tsujino show a glove with an enlarged area, creating a loose-fitting forehand and backhand area and small fingers. In fact, Ramm (the Examiner's primary reference) discloses a "form-fitting" hand covering (see, col. 1, lines 58-59). Furthermore, there is no suggestion to change the shape of any of the prior art gloves to affect such a configuration. For at least this reason, claims are patentable and favorable consideration is requested.

The rejection of claims 1-3 as obvious (under 35 U.S.C. § 103) over Ramm and Kuwahara is improper for at least the reasons discussed below. First, there is no motivation to combine the teachings of the two references and add the towel glove of Kuwahara as an additional layer for the glove of Ramm. The impermeable layer of the glove of Ramm is the interior insulation layer and there is no suggestion or motivation to add the glove of Kuwahara as an inside layer.

Additionally, Ramm and Kuwahara teach conventionally shaped gloves that are meant to follow the form of the wearer's hand. There is no suggestion to enlarge the palm area or shorten the length of the fingers. Further still, Ramm and Kuwahara do not recognize the benefits associated with having an enlarged palm portion. Therefore, there is absolutely no suggestion to one of ordinary skill to enlarge the palm of the glove.

Moreover, in the § 103 rejection of claims 1-3, the Examiner states that changing the shape of the glove is a "mere change of size" and, thus, is obvious. Such a rejection is improper and does not meet the required *Graham v. Deere* guidelines for establishing obviousness. The Examiner's characterization that the "change in size of a component is an obvious matter of design choice" is an improper attempt to invoke a *per se* rule of obviousness. The Federal Circuit has ruled that there are no *per se* rules of obviousness and that a change of size may be patentable.

Furthermore, claims 1-3 do not merely recite a change in size. The form and shape of the glove of the present invention is different from that of the prior art. Claims 1-3 set forth a completely different glove than the gloves of the prior

art, and lacking some suggestion or disclosure of this different form and shape, a rejection cannot be made. The benefits of the particular shape and size of the glove of the present invention are outlined in the specification.

Claim 4-11 and 13-18 also recite the limitations of the enlarged palm portion as described above and are patentable for at least this reason. Like Ramm and Kuwahara, the Tsujino reference also does not describe a glove with the enlarged palm portion as claimed. Favorable consideration is respectfully requested.

Claim 20 is newly added to capture the alternate configuration of the invention where the fingers are not separate and the glove has the form of a mitten. This configuration is described at the top of page 3 of the original specification. Favorable consideration is respectfully requested.

REQUEST FOR AN INTERVIEW

In order to expedite prosecution, applicants respectfully request an interview prior to the issuance of the next Office Action. Applicant respectfully requests that Examiner Doan and Supervisor Shaver be present at the interview and invites Examiner Doan to call the undersigned attorney and arrange the interview at her convenience.

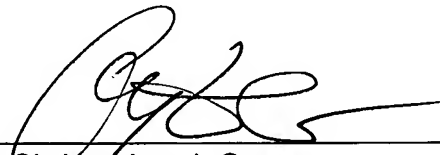
Conclusion

In the event any variance exists between the amount authorized to be charge to the Deposit Account and the Patent Office charges, please charge or credit any difference to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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